

CITY OF KINGSTON
Kingston Fire Department
Building Safety Division
ttiano@kingston-ny.gov

Steven T. Noble, Mayor
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief
Joe Safford, Zoning Officer

CITY OF KINGSTON ZONING BOARD OF APPEALS
MEETING MINUTES
DATE: October 18, 2016
CITY HALL COMMON COUNCIL CHAMBERS

NOTE: These meeting minutes are a summarization of notes and not an absolute transcript of dialogue.

Board Members Present: James Rodden, Chairman, Brian Cafferty, Anthony Argulewicz, Andrew Champ-Doran, Joseph Fitzgerald, Donald Mapes

Board Members Absent:

Staff Present: Joseph Safford, Clerk of the Zoning Board, Julie Smith, Clerk for the Building Safety Division, Deputy Chief Thomas Tiano, Daniel Gartenstein, Assistant Corporation Counsel

General Notes: James Rodden, Chairman read the introduction into the minutes. Called the meeting to order at 6:45P.M.

Item #1: Warren S. Replannsky, PC - Appeal of the ZEO's determination on the allowable use of the property located at 32 Abeel Street.

Discussion:

James Rodden – As a Board we have not received the information that we requested. At this point we are going to table this application until we receive all of the requested information. The Board will open up the public hearing section to anyone that has not spoken in the past. No comment from the public

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Decision: Table the application until the November meeting.

Motion by: Brian Cafferty Second by: Anthony Argulewicz
(JR, JF, AA, BC, ACD, DM – yes)

Item #2: 59 Broadway - Convert 1st floor space to residential living space. Applicant requests a use variance from section 405-19 B1 of the Zoning Ordinance of the City of Kingston, NY. Applicant is looking to convert part of a hair salon to residential space on the first floor. Alicia Beisel, Nicola Coppola, Owner/Applicant.

Discussion:

Alicia Beisel explains again why she needs the variance. Michael Morrello, Attorney for the applicant submitted information to the Board with regards to the cost of converting the residential space back into the commercial space. Michael Schatzel submitted a bid for \$64,000 to convert it back to a business setting on the first floor to eliminate the living room and kitchen. Anthony Argulewicz states that the building appears that the salon and residential space is 50/50. Brian Cafferty confirming that Alicia is asking to keep the living space on the first floor. Alicia states that she is requesting to keep ½ the space on the bottom floor as living space. Jim Rodden asked if there is anything unique about this situation and Alicia doesn't believe so. 50' away from her are residential units however they are located in a different zone. If Alicia can't live there than she has to leave. Andy Champ-Doran asked if Alicia could only live upstairs. Alicia states that it would cost a lot of money to convert the upstairs since there is no kitchen all that is up there now is a bedroom, bathroom and another small space. James Rodden states that he believes the quote that was submitted pretty much answers the question of how much it would cost.

James Rodden – Any more questions?

Nobody spoke at the public hearing.

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Decision: This application was granted with the following stipulation:

1. The residential area on the 1st floor shall not exceed more than 50% of the total square footage.

Motion by: Anthony Argulewicz **Second by:** Joseph Fitzgerald
(JR, JF, AA, BC, DM – Yes / ACD – No)

Item #3: 103-105 S Manor Ave. Owner looking to have 2 rental units as well as owner occupied unit in a 2 family structure. Applicant requests a use variance from section 405-12A (2) of the zoning ordinance of the City of Kingston, NY . Applicant is looking to create 2 apartments in half of a 2 family structure. Pasquale Pietramala. Applicant/owner

There was a fire at this property and during the investigation it was discovered that there was an illegal apartment on the right side. The owner would like to use the downstairs apartment for his daughter. Mr. Pietramala was confused because the contractor told him that he could continue the use. One 4 room apartment and one efficiency apartment. With the fire it was all gutted out. In 1978 there was 3 apartments? Mr. Pietramala states yes. 1978 there was a letter that stated that the property was a 2 family. Mr. Pietramala states that the one tenant will be his daughter she has lymes disease. The owner will live on the left side there will be one tenant upstairs on the right side and the daughter will be in the downstairs.

Decision: The application was granted with the following stipulation:

1. The applicants daughter can reside in the 3rd apartment and upon the time the daughter no longer resides in that apartment the building shall revert back to a 2 family residence.
2. The applicant much register said premise with the City of Kingston as a 3 family rental.

Motion by: Anthony Argulewicz **Second by:** Donald Mapes
(JR, JF, AA, BC, DM – Yes / ACD – No)

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Item #4: 283-285 E. Union Street - Allow existing secondary building to operate as a commercial space. Applicant requests an use variance from section 405-12 of the Zoning ordinance of the City of Kingston NY. Applicant would like to re-establish the commercial space in the secondary building preciously used as a deli/market business. Larry Bigando, Applicant/Owner.

This property is being sold and because the property has been vacant for 5 years it needs a variance. The property has 2 buildings on the same deed and there isn't enough space to separate the building. The building has been commercial for 60+ years. He didn't realize that they would need another variance. Mr. Bigando resides next door. It would be cost prohibitive to convert the commercial space into residential space. All the utilities run from the house. Will the store be operated in a similar fashion as before? They wanted to do a deli/store type of thing. 20% or 30% of traffic will be walk ins and most of the commercial vehicles go to the children's home now. The house and the commercial space are being sold together. If the variance gets approved and the new owner doesn't conform with what is approved the owner would have to come back to the Board.

Nobody spoke at the public hearing.

Decision: The application was granted with the following stipulation:

1. Subject to Planning Board approval.

Motion by: Joseph Fitzgerald Second by: Andy Champ-Doran
(JR, JF, AA, BC, ACD, DM – yes)

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Item #5: 120 Ringtop Rd. – Applicant requests an area variance from section 405-9 D of the Zoning ordinance. Applicant requests an area variance from the permitted side yard setback of 15'. Nathaniel B. Horowitz, applicant/owner

Discussion: The applicant would like to move the current garage towards the fence. Make current garage space into the living space. In April 19, 2016 received a variance to build an addition on the front of their home (front yard setback required 30' – proposed 18'). Andy Champ- Doran asked if he still needs the front yard setback and Nat said yes.

Nobody spoke at the hearing.

Decision: The application was granted

Motion by: Anthony Argulewicz Second by: Donald Mapes

(JR, JF, AA, BC, DM, ACD – Yes)

Item #6: 15 Janet St. – Structure has existed as a multiple unit rental continually for the duration of ownership without owner occupancy. Applicant requests use variance from section 405-9 B (9) of the Zoning ordinance of the City of Kingston. Applicant is looking to remove the owner occupant requirement for the rental of apartments in an R-1 zone. As the rental units pre-exist zoning and they have been in operation continuously the city recognizes them as pre-existing non-conforming so they may remain unchanged. James McDonald, applicant/owner.

There was a variance granted on November 20, 1985 with the following stipulations: 1.premises owner occupied. 2. Apartment over garage single occupant apartment. 3. 3 single bedroom apartments in main building.

October 19, 2013 the Building Department went to do an inspection for the rentals and we discovered that there was another apartment in the downstairs of garage along with the owner not living there (5 apartments). Made the owner go to zoning.

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On January 20, 2014 the owner came before the zoning board for the conversion of garage 1st floor into a one bedroom apartment. And the relief from the owner occupied stipulation. These variances were denied.

On May 17, 2014 Mr. McDonald applied for a building to remove the rental unit in the downstairs of the garage. C of O issued.

Mr. McDonald admits that this property has never been owner occupied.

John Hoyt representing Mr. McDonald. Mr. Hoyt December 1984 it was a 4 family at that time it has never been owner occupied since that time. Mr. Hoyt doesn't know where this stipulation came from and doesn't know what the purpose is and I doesn't know how to address it. It appears to be arbitrary. Put in place with the expectation for better maintenance. Mr. Hoyt is questioning the legality of this stipulation. The property is well maintained. Jim Rodden questioned how Mr. Hoyt is there at the meeting as a lawyer or real-estate agent. Mr. Hoyt stated that he was there as a lawyer. James Rodden we had a hearing on this property a few years back. The apartment was removed. As far as why it needs to be owner occupied I will ask Assistant Corporation Counsel if he can direct me. James Rodden read in the variance granted on November 20, 1985. Dan Gartenstein states it is valid and it is our opinion that it is completely enforceable. He was granted the variance and has been fully aware off it. Mr. McDonald has willfully disregarded the ordinance doesn't change the fact that he was aware of it. The fact that he hasn't been prosecuted for it. He is violation of the variance. Anthony Argulewicz brings up section 405-9 B (9) allows accessory apartment with certain conditions.

In favor: unable to hear the name of the real estate agent.

Against: An email sent to Deputy Chief Thomas Tiano from Susan and Peter LeVangia

Decision: The application was denied.

Motion by: Joseph Fitzgerald Second by: Donald Mapes

(JR, JF, AA, BC, DM, ACD – No)

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Item #7: 260 Fair St. – Convert second floor back to commercial space. Applicant requests an area variance from section 405-34 of the Zoning ordinance of the City of Kingston, NY. Applicant would like to convert the second floor back to commercial space but lacks the required number of off street parking spaces. The required number of spaces would be 23, the number provided has always been 10. Michael Sweeny Applicant/Owner

Discussion: Currently have an office in New Paltz. 15 staff members. The clients don't come to the office due to the ligation they do. The building has always been commercial unit the current owners received a special permit from the Planning Board to reside in the upstairs space. It has never conformed with parking requirements. Not exterior work is planned. Mike Morello requested a interuptiation on this area variance. They are keeping one of the commercial spaces.

In favor: Nobody spoke

Against: Unable to hear the name. Owner of the senate garage and a marketing company.

Dominique Vanacore spoke not for or against the project.

Decision: The application was granted

Motion by: Anthony Argulewicz Second by: Donald Mapes

(JR, JF, AA, BC, DM, ACD – Yes)

James Rodden – Closed the meeting at 9:37PM